## WASHINGTON.

THURSDAY, APRIL 18, 1850.

THE ADMINISTRATION AND ITS ENEMIES.

In addition to daily assaults by the Opposition organ in this city-which, from the monotony of its abuse and misrepresentation, have ceased to attract particular attention-the Telegraph lines and the Mails have been put in requisition to disperse over the country the most unfounded and unjust representations respecting the relations which exist between the President of the United States and the Members of his Cabinet, and between the President and the two Houses of Congress.

The following paragraphs, for example, form part of the Washington Letter of April 11, in the Journal of Commerce of Saturday; which the more deserve notice, because of the general accuracy as to facts of the Washington Correspondent of that

"The truth is that a great number of disappointed Whigs, forming a majority of the party, [in · Congress, are hostile to the Cabinet, and moving every means of turning them and their adherents out of office.

"They have made some progress in the scheme,
and expect to accomplish it. They have undoubt-· edly won the President over to them; for he is · very much worried by the representations that his own honor is implicated in the transactions which are alleged to be of doubtful propriety.

"The President has intimated a strong disposition to follow the suggestions of his friends, and . form a new Cabinet. In that case, the old Cabi-. net must go out, as it came in, a unit."

Of these statements, we feel authorized to say, every one is erroneous, in whole or in part.

That there are some Whigs in Congress who are unfriendly to the Cabinet, we do not doubt. No Cabinet has ever existed, within our knowledge, which had not enemies in Congress, even among those who assisted to place them in power. During the pure and upright Administration of the late President ADAMS, for example, there was always a strong opposition, in both Houses, not only to the President, but to the Members of his Cabinet. But there is no reason, as far as we are informed, to suppose that the adversaries of the present Administration constitute " a majority" of the Whig party in the two Houses, or in either House of Congress. We trust and believe that it is not true that even those Whigs who are unfriendly to the Administration are "moving every means" to turn the Heads of the Executive Departments out of office. Sure we are, that it is no part of the proper vocation of Members of Congress, individually or collectively, to turn Members of the Cabinet "and their adherents" out of office; and not less sure are we, that, should any attempt be made to encroach upon the functions of the Executive in that particular, it would meet with a decisive and constitutional rebuke. We should be very loth and very sorry to believe that they ("the disappointed Whigs") have made any progress in such a "scheme." If

It is not true that the enemies of the Cabinet " have won the President over to them :" nor is disposition" to " form a new Cabinet." There exists, we have reason to know, entire concord beon discovering that his presence in the Council Chamber was not desired by the President. There is not, we are persuaded, one of them who is not affectionately and deeply attached to the President, and proud that he enjoys the esteem and confidence division, or any want of harmony, between the President and the members of the Cabinet.

ceive themselves.

Sincere friends to the President, grateful for the services which he has rendered, and those which he is now performing, for his country, we are rejoiced to be able to say, as we now do upon the best authority, that there is not a shadow of truth in the rumors respecting the relations between the President and the Cabinet to which we have in the preceding paragraphs referred.

The "transactions" which are represented to have "worried" the President are, we suppose, the settlement at the Treasury, upon principles of statute and public law, of certain claims, the amount of which constitutes the chief ground of objection to them. To suppose that the "honor" of the President could be in any way "implicated" in these transactions, is an assumption obviously of us are sufficiently acquainted with what happens in parliagratuitous.

To understand why these claims have been adjusted under the present Administration, it is sufficient for the reader to learn that there were many claims left unsettled by the late Administration, and thrown upon the present Administration for adjustment; the labor devolved by which upon different branches of the Government has greatly embarrassed the several Departments, and the amount of which has given rise to the clamor which has been raised on the subject.

It is enough further to say that the claims objected to have been settled strictly according to law and usage; and that, contrary to what has been pretended in some quarters, no claim upon the Government which had been settled and closed, has been re-opened under this Administration except in obedience to instructions by Congress.

TENNESSEE HISTORICAL SOCIETY .- At the last of Roulstone's Statutes, and other evidence, the position taken by Mr. Calhoun in the Senate, when he said that California should be remanded back to of Tennessee." He showed that the first session the representation in Congress shall be apportioned accord of the General Assembly of Tennessee was begun ing to the commercation of the inhabitants of the United States, and held at Knoxville, on Monday, the 28th of March, 1796, and that it adjourned on the 20th of April of the same year. The act for the admission of Tennessee passed Congress on the 1st June, 1796; so that the Assembly commenced its sessions full three months, and closed more than two months, before Congress invested her with the attributes of sovereignty.

THE WOMEN OF FRANCE. - Those in the middling classes carry on the greater part of the business; the energy and is proper in itself with regard to this subject; that is, to adtalent of the country seem to be concentrated in them. They tend the stores, keep the books, pay and receive the money,

IN SENATE-APRIL 17, 1850. The Senate proceeded to the consideration of the special order, being the motion of the Senator from Mississippi (Mr. Foorz) to refer the resolutions of the Senator from Tennessee (Mr. Bell.) and of the Senator from Kentucky (Mr.

CLAY) to a committee of thirteen.

The VICE PRESIDENT announced the first question to be on the amendment of the Senator from Missouri, a modi-fication of which by Mr. CLAY he had accepted.

The amendment, as originally proposed by the Senator from Missouri, was in these words:

Provided, That nothing in the motion shall be construe so as to affirm the existence of any power in Congress over the four following points:

1. The abolition of slavery within the States.

2. The suppression of the slave trade between the States.
3. The abolition of slavery within the forts, arsenals, dockyards, and navy yards of the United States.
4. The abolition of slavery in the District of Columbia. The Senator from Kentucky proposed to amend so that

Provided, That nothing in the reference shall be so construed as to assert or imply the existence of any power whatever in Congress for the abolition by Congress of slavery within the States; nor to authorize the suppression by Congress ought to abolish slavery in the forts, arsenals, dock yards, and navy yards of the United States, nor that Congress ought to abolish slavery in the District of Columbia.

sh slavery in the District of Columbia. Mr. CLAY. Mr. President, I desire to offer an amendment to the amendment proposed by the Senator from Mis-souri. It will be recollected by the Senate that the Senator from Missouri proposed an amendment, when this subject was last before the Senste, to restrict the committee, in its consi deration of these resolutions, to thirteen topics which are mendment to that amendm nent, which the Senator from Missouri accepted. Therefore, the amendment as it now stands is the one which I proposed to modify, and which the Senator from Missouri accepted. I now wish to propose an amend-ment to the proposition as modified by the Senator from

The amendment which I now propose is to strike out all the propositions of the Senator from Missouri, after the word "provided," and insert the following:

That the Senate does not deem it necessary to express or

Mr. President, I will make a single remark. The amendment of the Senator from Missouri, as it now stands, proposes to declare that Congress possesses no power upon certain subjects therein mentioned. Such a declaration on the part of the Senate, it seems to me, is wholly unnecessary, as the Senate would, by a unanimous voice, declare the belief that Congress has no power to abolish slavery in the several states, and so forth. I think it, therefore, useless as it at resent stands; and I propose this amendment, declaring that the Senate does not deem it necessary, in advance, t express any opinion or give any instructions whatever to the nmittee. I hope the amendment may be adopted.

Mr. BENTON. Mr. President, the amendment which called that of the Senator from Missouri is the amendment the Senator from Kentucky himself, which was accepted ov the Senator from Missouri on Thursday last in a spirit of ompromise. The Senator from Kentucky now proposes to amend his own amendment by rubbing it all out. will withdraw it, and fall back upon my own original an ment, which I will undertake to get through, if I can, and I will call for the vote upon each point. I withdraw that

The VICE PRESIDENT. The amendment of the Seator from Missouri having been withdrawn, the amend-Mr. BENTON. Mr. President, I now offer my own

nendment—
"Provided, That nothing in this reference shall be strued to authorize the said committee to take into considera-tion any thing that relates to either of the four following sub-

"2. The suppression of the slave-trade between the States.

"3. The abolition of slavery within the forts, arsenals, dock-yards, and navy yards of the United States.

"4. The abolition of slavery in the District of Columbia.

"And provided further, That said committee shall not take to consideration any questions relating to the subject of do-estic slavery in the United States which shall not be special-

ly referred to them by order of the Senate." Mr. CLAY. Mr. President, I now move my amendment as just now proposed, to the amendment of the Senator from has read and exhibited to the Senate, the consequence will be Missouri. Strike out all after the word "provided," and inthey "expect to accomplish it," they surely de- sert the following:

"That the Senate does not deem it necessary to express in advance any opinion, or to give any instructions, either gene-ral or specific, for the guidance of the said committee." Mr. CASS. It seems to me that the two amendments

are in conflict. Do I understand that the amendment of the it true that "the President has intimated a strong Senator from Kentucky is to be a substitute for the amendment of the Senator from Missouri

Mr. CLAY. Certainly.

Mr. BENTON. I rise with great reluctance and defertween him and his Cabinet: and there is not, we ence to the honorable Senator from Kentucky, who certainly believe, a single member of the Cabinet who perhaps is equal in that respect to any in America or Euthat he is not proceeding parliamentarily, when he offers such think it can come under the name, style, or description of an as a committee will in a few days depart upon a melancholy amendment at all. The object of it can be attained in a parliamentary way by voting down the proposition I have sub-An amendment is to improve a thing, to make it. better; but here is a design to obtain a resolution from the of that eminent man. Nor is there in fact any Senate declaring that they will not act upon the subject at all. Now, Mr. President, it is my intention, before we go into the question of amendments, in consequence of what was nicated yesterday as to the absence of a portion of the Senate on Monday next, to bring a motion before the Senate, which I communicated yesterday. Half a dozen Senators are to be absent by order of the Senate, and it follows of course that no questions in which the States they represent are interested will be taken up during that time. members of the Senate go away on Monday on a mission that must keep them away one or two weeks, it will be one week or two weeks—no one can tell how long—before any thing that concerns California can again be taken up in the Senate. Now, we have three days and a half of this week to work in and, during these three days and a helf, it seems to me that what concerns California can be disposed of one way or the other, and before these gentlemen go away that State will have a decision upon her application for admission. If any thing is done which prevents a decision upon her application, it stands over for one or two weeks more, in addition to the eight weeks which have already elapsed since the President communicated his message with the constitution of California. It is my desire, Mr. President, after having lost eight weeks, to avoid the loss of two more, which will be a dead loss, be cause we cannot touch the subject during that time, and all centary bodies, when any thing is laid down for two weeks and gets cold. When you take it up again, you take it up de noro, and give us a re-hash of every thing that has been said before, with the addition of as much more as has been thought of in the mean time. To proceed in a way which will no bring the Senate to a decision upon the admission of California this week, is to make a dead loss of two more weeks, to followed by as many more weeks as the discussion may last. I feel it to be my duty, in consequence of what was communicated to the Senate yesterday, and have made up my mind accordingly, to move, before we enter into the question of the committee, to take up the bill No. 169, reported by the Committee on Territories, for the admission of the State of California. I deem it my duty to make that motion, upon the belief that, having had this subject upon our hands, in some shape or other, since the meeting of the Service No. some shape or other, since the meeting of the Senate in De-cember—after having had the question of the admission of California, in some shape, upon our minds the whole of that time, we shall be able, in the three or four remaining days of week, to act upon it in one way or another, if our action

Now, sir, I will read that bill, and let the Senate see how brief and to the point it is, and how comprehensive are the points which the bill contains. They are these, sir. That the State of California shall be and she is hereby declared to be one of the United States of America, on an equal footing with the original States in all respects whatever. That is the whole meeting of this Society, Professor Cross read a paper on "The admission of Tennessee into the Union," in which he corrected, on the authority mont, Kentucky, and Tennessee. Then just about the same number of terms were employed, and the same identical questions were presented. That is all that relates to the admission of the State. Then the second section of the bill, her territorial condition, "as was done in the case which might be here or any where else, provides that, until the State of California shall be entitled to two Representatives in Congress.

Sir, from there to there is the whole bill-not half a span by my hand, which is not a large span either. Now, sir, other subjects, and proceed to the consideration of this bill fo the admission of California, we can finish it this week, while we have the benefit of the presence of those gentlemen who will be absent next week, under the order of the Senate. We shall save a great deal of time, besides doing what mit California as a separate measure. If, on the contrary, Mr. President, this motion shall not prevail, and we go on and take upon themselves often the complete charge of a large with the motion for raising a committee, there will be some establishment. In many households the tusband seems to time inevitably taken up by the consideration of that motion, and after that is decided, the committee of thirteen will necessarily be required, by the imposing gravity of their misssion

consider it some length of time before they report. Dr. Franklin, sir, in his wisdo it picked out whatever was wise or even decorous in he con-duct of nations or individuals—relates an anecdote of an Indian chief, who, when called upon to sign a treaty of peace, con-sidered it disrespectful to answer any propositions which were made to him till the next day, in order that he might seem, at least, to have considered the question. On the rinciple of the action of this Indian chief, who took one nigh to seem to consider a question which he was to decide upon, this committee of thirteen, acting under such impressive circumstances, with nothing less than the salvation of the Union in its hands, will have to consider many nights before they can come back and tell us they have performed the dury which the Senate gave them. If they return incontinettly, the Senate may suppose they had not considered it at all; or, what might be supposed much more material, that hey had considered it beforehand, and that it therefore was a solemn farce to go out and come back with what, in the vernacular, had been "cut and dried" beforehand. They must conhad been "cut and dried" beforehand. They must con-sider; they are obliged to consider a week, perhaps two or three weeks, under such grave circumstances as they will be placed in. Here, then, is to be a great deal of lost time, if the proposed committee is raised. This week is gone beyond all question; and the committee will need that, and perhaps all the time while others may be absent, to consider. Any attempt, then, Mr. President, to go on and raise a committee, I consider as a postponement of the question for weeks, and then to stand the chance of being brought forward incumbered with questions which do not belong to it, and which must necessarily give rise to divists here, and posand which must necessarily give rise to debate here, and pos-sibly a disagreement between the two Houses; and this long delay may result in the loss of the California bill by the disagreement between the two Houses. I see nothing, sir, but long delay and imminent danger to the California bill, by proceeding any further with this motion to refer to a commit-tre. We have no need of it; we have the bill here, brief, cases were introduced in the early part of our history. I shall, therefore, make the motion which I intended to make yesterday, that when the question shall be taken up this day, before the pending amendment is gone into, to lay the subject of raising a committee on the table, for the purpose of taking up the bill No. 169, for the admission of the State of California, and upon that motion I ask the yeas and nays.

Mr. CLAY. I hope the honorable Senator from Missouri will withdraw his motion for a moment.

Mr. BENTON. Oh, certainly, certainly; any thing spirit of compromise, except the comprom nia away. Mr. CLAY. With respect to the parliamentary objection made by the Semetor from Missouri to my amendment, if he chooses to present that objection in form, I am ready to meet

tion that I could give to any possible question of form that might arise.

for poor California between the honoralle Senator from Missouri and myself He wants California admitted. So do I. So do I. But it is a little sigular that the honorable Senator himself—I must say it, it all respect and deference—is one of the causes which proongs the admission of California into the Union. Sir, I mase a proposition to that Senator on Friday last, I think, which I will renew to day. Let this committee be appointed without further opposition; which opposition, I think, will be foun to be wholly unavailing, and to be productive of no consequence but that of an additional consumption of time. Let opposition to the appointment of the committee be withdrawn; et the committee raised; let the bill for the admission of California be reported and acted upon in the Senate. Sir, when taken up, I have already intimated the purpose, which shall not aban propose as an amendment to that bill povisions to give Territorial Governments to the two new "erritories without the Wilmot proviso. But, sir, short as the bill is, not occupying more space than the honorable Seator's hand, does he suppose that bill is going to pass in the shape in which it is, even supposing the rejection of my poposition? He talks about early precedents. If he means to refer to early precedents for the admission of new States, we shall violate all of them if California be admitted. For how were they admitted, from Ohio upward, but by the passage of a previous law proposing certain articles of compact to the new States, which vere to be assented to by a convention of the people of the ing and obligatory forever upon both parties? How is it with Why, upon the subject of the public domain and California? the rights of the United States in California, if the bill were o pass in that little, brief space, which the ionorable Senato orable friend from Illinois, who has seen this objection to the bill, has turned his attention to it, and I hope he will add to the valuable labors he has rendered the country and the Senate by proposing a suitable provision to protect the rights and interests of the United States in California. But if California be admitted at all, she can only be admitted by annexing the condition to the act for her admission, that nothing in that act shall contravene or impair the rights of the United States in the public domain. I confess that, although I have rather brought my mind to her admission, upon the condition of the reservation of the rights of the United States in California, I

Now, sir, the honorable Senator talks of the delay which will ensue if California be not now taken up and acted upon, occasion, and probably be absent about two weeks. He thinks we may get through with this in two or three days. Let all opposition to the appointment of the committee be withdrawn; let it be appointed; then we can take up the California bill and act upon it. So that, really, I say, without any inten-tional disrespect towards the Senator from Missouri, that he is prolonging the admi-sion of California in thus continuing to

oppose the appointment of this committee. Sir, let us look at all the facts connected with this matter uppose it were practicable to pass a bill for the admission of California with suitable guards and protection to the public property; suppose it were practicable to pass it this week by, then, we must turn our attention to the condition of things in the other House. The passage of a bill through the Sena'e, for the admission of California, does not admit California. It must first have the concurrence of the co-ordinate branch of the National Legislature, and another coof the future by the past, I should be very happy to be per-fectly assured that the other branch of the Legislature will be in a condition to transact the public business two weeks hence. If they consume any thing like the amount of time in electing an officer to supply the place of the lamented in-dividual who has died, as they did in organizing at first, it may be weeks before that body will even be prepared to act upon any biil. I am willing to give California a chance withour consuming time. It is so much waste of time, sir, to object to the committee. Let opposition to the committee cease. Let its fate by decided. If the Senate decide against there will be an end to it. But if there be a majori y in favor of it, no dilatory proceedings, no parliamentary pro-ceedings, no attempt to thwart the will of the majority of this Senate, (and I hope no such attempt will be made, and I charge no one with making it,) w.ll, I trust, finelly prevail. Let us then go to work and act like men, talk less and act more, and decide upon the question, and after that take up the bill for the admission of California. That is my view of

what we should do. Mr. BENTON. I propose the point of my objection there be any point in it, to his specious amend ection to it is, that it is a resolve to govern the conduct of the Senate; that it is an independent resolve to govern the onduct of the Senate. It has nothing to do with the busi ness which is included in the motion. It is simply a resolve which can be introduced and considered by itself—a resolve, I repeat, to govern the conduct of the Senate in their action upon certain case. In that point of view, it seems to me that what is called an amendment is not an amendment, but an indepen-

But the Senstor from Kentucky makes a proposition, news one made yesterday, and, in his extreme good nature, supposes that all parts of the Senate sre, in the most amicable temoer possible. It is nothing more nor less than that a jury should go out with the case, and after the jury has gone out with it, the counsel and advocates may proceed to argue it. That is his proposition, and whether the case is sent to a jury of twelve or thirteen, makes no differ ence. The jury of thirteen is to go out in this case. Sir, i is nothing more nor less than a proposition to send a jury out with the case, and we have been sufficiently advertised of the fact that that jury is to consist of the distinguished and leading members of the Senate. These distinguished and leading gentlemen will go out, and will deliberate upon the case and while they are deliberating, why, the remainde der-those perhaps who would necessarily fall into the category of led members-may be amusing themselveswith discussing the subject and presenting their views; and whenever the jury of thirteen shall have made up their verlict, they will come in, and whoever may happen to be upon his feet at the moment, will have to take his seat, and will be cut off exactly where he stood; the delivery of the putting an end to the whole case he is arguing. This is rather a new proceeding in the Senate of the United States, and I object to the idea of sending out a jury with a case, and leav-

ng other Senators here to argue it. The Senstor from Kentucky, sir, charges me with occasioning all the delay in the admission of California. And how do I occasion it? By resisting a motion to send this question to a committee. Have I not a right to do that? If I have no right to do it, it is a question of order, which the chair may decide; and if it is decided that I have no right, will sit down at once. But while I have a parliamentary right to proceed in a certain way, all efforts to de'er me fro proce-ding, by throwing on me the blame of obstructing business, will be of no avail. But this is no novelty. We have great examples for throwing the blame of being promoters of disturbances upon those who are innocent. I believe, Mr.

ms delivered upon peace, eace, there were never more enc professed by any being upon the face of the earth, than well uttered by him who was the greatest of warriors—the great emperor. He was always for peace; how, then, came he to be ways in war? Because, when his armies entered a country, the people would resist, and that made war, and made him a disturber of the peace which he was so anxious to preserve. That is exactly the way the great emperor got the name of haing a disturber of the peace: the people would resist when being a disturber of the peace: the people would resist when his armies entered their country. All that he asked of them was to submit; all that he asked was that they should be quiet, and let his armies move over their country. They had come for their good, and perhaps for something else. Yes, sir, when one of the ladies that George I. brought from Hanover, and afterwards made a duchess, was once passing through the streets of London, she was hooted at, if not pelted; and when, for the purpose of pacifying the mob, she declared she had come for their "goots," meaning their good, one of the populace replied readily, supposing that goods were meant, "and for our chattels too." And so of the great emperor; he entered all those countries for the good of the people, and for their chattels also; and, as they did not choose to have good performed for them in that way, war was the result. resisted, and thereby made war, and made the emperor a disturber of the peace, lover of peace as he was.

In the same identical manner, Mr. President, with a parallelism which has been drawn here somewhat too close for a parody, the Senator from Kentucky charges me with delaying

admission of California, because I resist where I have right to resist, and, more than that, where I hold it to be my interrupted legislation of the two houses of Congress. Sir, three times Washington, the father of his country, sent in messages for the admission of new States precisely under the messages for the admission of new States precisely under the same circumstances as those under which President Taylor sent in a message in this case. Tennessee, Kentucky, and Vermont were all admitted precisely under these circumstances, and upon the presentation of messages precisely like this. Five other States were admitted afterwards under the same in which those States were admitted; making eight in the whole, being as near half as eight can be of seventeen. I am doing what has been done for sixty years. Every State that has been admitted for sixty years has been admitted in a bill by itself, except in one single case, and then two were put together in the same bill. Two States applied for admission at the same time, and had no more right than California now has, for they made their constitutions for themselves without a right to do, what I feel it to be my duty to do, what sixty years of legislation justifies me in doing; and, while this is the case, it will be lost labor to undertake to scare me off the

track by saying that I am obstructing legislation on the subject.

The honorable Senator from Kentucky has said on several eccasions, and repeated it again here to-day, that California exciting as they appear. Come in sooner! Now, it is hard for me to conceive that the Sena or has an insight into this matter which I have not. Though I profess to be able, when I have a view of things, to see as far into a millstone as he that picks it, yet I cannot see the pickers here. The Senator from Kentucky undertakes to say that these things will go on, and California will come in sooner, if she is mixed up with all these foreign questions—foreign to her certainly. Now, he certainly understands what he says. I do not. I do not understand why one subject, complicated with an immense number of others, is to go faster than it could go by itself. There may be a question in this, as to the public lands. I here repeat what I said the other day, that when the question of the admission of the State is up before the Senate, it will be proper to discuss the question of admission, and then I shall expect the Secator from Illinois, who has reported this bill, to sati-fy me and the Senate upon this point. It will be sufficient time to discuss that, when we come to discuss the bill. The supposition is, that the bill is to go faster when complicated and loaded with all these subjects than it can go alone. There is something in that which is inexplicable to me. I know there is an idea, which may be called vernacular, prevalent in some parts of the country, that a horse can cular, prevalent in some parts of the country, that a horse can bill, to sail fy me and the Senate upon this point. pull stronger if he has a weight upon his back, and I have often seen large packs with two or three bushels of grain upon a horse's back while he was straining every nerve in putling a load up hill. The argument was, that it kept the backbone straight, and enabled him to draw directly against the centre of every joint. [Laughter.] That was done in the case of drawing; but this is a case of running. California has to run, and as it seems to me she has to run the gauntlet and a long line. I never leard it supposed that a

of California to learn that, in the opinion of the American Senate, their State is to run faster precisely in proportion as I have been occupied, Mr. President, wholly with the pre-California; I have not got to that. I am not arguing the committee; much less, sir, am I arguing the question of such of what I want. All that I want, as I have made known, is to put this in a shape which will admit of no dispute. question is now as to the delay, the almost inde' finite delay, with the chance of eventually losing the admission between the two houses. We have now three full days these three days come to a decisive vote on the California bill, and in doing that, we shall have washed our hands and

horse ran faster for having a load upon his back; but when we come to look at what is proposed to California, we shall find she has not only three hundred pounds upon her back,

but we shall have a hundred pounds to tie to each leg, and

still a pretty considerable weight to tie to the tail. I should

pounds upon her back and a hundred to each leg, and fifty pounds to the tail. It will be a strange thing for the people

see how California would run with three hundred

Mr. DOUGLAS. Mr. President, when the objection was raised the other day, by the Senator from Alabams, that if the bill reported by the Committee on Territories was passed, all the public lands within the limits of that State would be lost to the Government, would belong to the State of California, I promised the Senate that when that bill should be taken up, I would vindicate the bill entirely from all apprehensions on that score; and that, if I could not do it by argument, I would certainly do it by amendment. I had hoped, therefore, that criticisms upon that part of the bill would have been deferred, and that the public mind would not have been prejudiced by allusions to that supposed defect, until the California bill came up for consideration. It has, however, been alluded to, and the high authority of the Senator from Kentucky has been given to sanction the correctness of the opinion expressed

sentatives to do their duty, a thing with which we have noth-

by the Senator from Alabama. Sir, I hold myself entirely capable of removing all appreauthorities-a large number of cases, forming such a current fauthority, as I apprehend, that no one, after investigating the facts, can question the correctness of the opinion which I express d. Sir, as a Senator from the State of Illinois, I may rjoice if the Senator from Kentucky, or the Senator from Alabama, would succeed in maintaining the position that they have here assumed in regard to California. If that position be correct, I am prepared to show that this Government owes the State of Illinois nineteen millions of dollars, for lands sold within that State, and that fifteen millions of acres of unsold lands, held by the Government of the United States within the limits of that State, now belong to the State of Illinois. Yes, sir, and also that this Government owes Ohio twenty millions, and owes Indiana twenty one millions; and other lands sold within those States, the money for which has been received by this Government, when the pro-ceeds belonged to those States, if the position assumed by the honorable Senators from Alabama and Kentucky be cor-

mark. I certainly expressed no deliberately formed opinion whether the admission of California, without any provision as to the disposition of the public lands of the United States in that State, would prevent the United States from holding the public domain there located. But, sir, notwithstanding all hat has been said, I shall insist, as a precautionary measure, that some clause be inserted declaring the retention by the Government of the United States of the public lands in California. It is not necessary, however, to go into the discussion of the subject now. I trust the honorable Senator from Illinois, at the proper time, will enlighten us on the point. For myself, I should be glad that the enactment of such a law

would not be necessary.

Mr. DOUGLAS. I would state to the honorable Senator rom Kentucky, that although I am prepared to show that it is unnecessary, yet, by way of precaution, I am prepared to offer an amendment, which I hold in my hand, to remove every doubt on the subject. But I can show that such an amendment will not be necessary.

Mr. BENTON. I move to lay this subject on the table,

for the purpose of taking up the California bill, and on that motion I ask the yeas and pays.

The question was then taken on the motion to lay the sub-

The question was then taken on the motion to lay the subject on the table, and it was rejected, as follows:
YEAS—Messrs. Baldwin, Benton, Bradbury, Chase, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dodge, of Ilowa, Dodge, of Wisconsin, Douglas, Felch, Greene, Hale, Hamlin, Jones, Miller, Norris, Phelps, Seward, Shields, Smith, Walker, Webster—24
NAYS—Messrs. Atchison, Badger, Bell, Borland, Bright, Butler, Cass, Clay, Clemens, Davis, of Mississippi, Dickinson, Downs, Foote, Hunter, King, Mangum, Mason, Morton, Pearce, Rusk, Sebastian, Soule, Spruance, Sturgeon, Turney, Underwood, Whitcomb, Yulee—28.
Mr. BENTON. This which is called an amendment, and which strikes me as being nothing but a rule of action, which

which strikes me as being nothing but a rule of action, which

President, there were never more professions made in favor of but I was so unfortunate as not to make the point of my

Mr. KING. If the Senator intends to dis of order, he must appeal from the decision of the Chair. In the absence of any such appeal, the decision is binding upon the Senate, and every Senator is bound to acquiesce in it. The Senator from Missouri, therefore, if he is dissatisfied with the decision, must take an appeal before he can discuss

e point of order.

Mr. BENTON. What I say is for the Senate, and not

by way of appeal.

The VICE PRESIDENT. Does the Senator appeal?

Mr. BENTON. I am speaking merely to the Senate, and not by way of appeal. I am speaking on the proposition submitted by the Senator from Kentucky, and I mean to give my mitted by the Senator from Kentucky. reasons—very poor ones to be sure—why it should not be adopted. I take that to be in order.

The VICE PRESIDENT. Yes, sir. Mr. BENTON. Well, I have learned something. If Mr. BENTON. Well, I have learned something. If I cannot teach, I can be teached. Yes, sir, here is a proposition, which is called an amendment, that the Senate does not deem it necessary to express in advance any opinion, or give any instructions, either general or specific, for the guidance of said committee. Now, here is a declaration, very proper perhaps to be adopt d in a caucus, but not belonging to the Senate at all, by which the Senator asks that the Senate shall can itself off from its parliamentary rights of offering amond cut itself off from its parliamentary rights, of offering amend ments to bills and resolutions while going through the body. All this might do in caucus, but it will not do in the Senate. The Senate does not deem it necessary (why not deem it necessary ') to give any instructions at all on any subject to the committee. It is a committee, as is frequently proclaimed—though its appointment is not yet entered on the journal—composed of distinguished and leading men, and it may be that they have all the wirdom of the Senate in their hands, and that when they go out nothing will be left behind, and all the rest of the Senate put together can give them no information All this may be so, but it is the first time that the Amer can Senate was ever called upon to make such a declaration. It is not to do it in advance. Why not do it in advance? Has not the Senate been in the practice of giving instructions to committees, from the foundation of the Government to the present day? Is it not done in regard to all committees whenever Senators choose! And was it ever proposed beft to tie up the hands of the Senate by a previous declarati that they will not give opinions in advance? They may give them afterwards, and may agree to what may be done, but beforehand the body of the Senate is to do nothing. It is not to give any instructions, either general or specific, for the guidance of the said committee! Sir, the objection is well taken by the Senator from New Jersey that this goes beyond the amendment which I have offered, and which is before the Senate. It goes beyond what is before the Senate, and declates at once that, no matter what amendments any Senator may have in his bosom, no matter what may be offered, the Senate will not consider them. This, sir, is a new declarawhich, if it passes, will pass after going through such parlia mentary forms as will mark it as an epoch in our parliamen tary history. Sir, it is a new method of applying the previous question—a question never applied in this body. It is a new method of applying the gag—a thing never done in this hody. It is a new way of stultifying the whole body of Senators, except those who go out on the committee. Sir, all this is new; and is it not a simpotent as it is new? Suppose it is adopted. Suppose the Senate resolves itself into what seems to me to be nothing more than a caucus and adopt this resolu-tion. What next? The moment they have adopted it, has not every member here a parliamentary right to offer amend-ments on the spot, regardless of what the Senate has decided upon? The attempt is impotent. We have a right to offer instructions after instructions, and when offered, the only way for the Senate to do, if it will not adopt them, is to refuse them; that is, to vote them down when presen

prought to the point on each instruction for itself, while there ough to call the yeas and nays to vote on each for itself. All this must be apparent. And now, sir, why persevere is endeavoring to get a declaration from the Senate which is to cut off a parliamentary proceeding, when you cannot do it It will end in impotency; of that gentlemen may rest assured t is the first time that ever such a thing was attempted in the American Senate. It is cutting us off from deliberation. It is cutting us off from our right of instruction, and it is fore-stalling debate. It is an assumption the like of which never before was known in this body. Now, sir, this great committee—we have had their names in the newspapers, though they have not yet been elected by the Senate. Grant that they have all the wisdom of the Se-

nate, and will carry it out with them ; yet the Senate is not to declare upon this proceeding that it could give them no instruction. They are not to adopt a resolution which admits at the facts. There is a certain portion of this body that is for California. Give us California, California, and nothing that the Senate cannot enlighten them at all. It is not for the Senate to say that they would sit here in Egyptian darkness until the committee comes in and illuminates the cham-ber. And now, if it should be the fact that every thing is ready, that the report is ready, and that the committee have lish governments for a people thrown by the vicissitudes of nothing to do in the world after it goes out but to come back | war and of political events under our care. And, to my utdown again—if such should be the case, would it not better become the American Senate that it should be produced, and et us have the illumination from it at once? be better to produce the report at once, and act on this bill for the admission of California as it came along? Sir, the going out of that committee from this chamber

But if we see two doctors going there we suppose the case is a difficult one. And if we see four, five, six, or seven docors collecting at the house, we conclude immediately that somebody is dying at that house. Now, sir, if this great number of political doctors are to sit on the body of the republic, what will the country suppose but that the poor re-public is at the last gasp, and that it takes thirteen doctors to set upon the case and save the patient. Sir, it is to alarm the country. I tell you from this proceeding there must be or there must be a laugh. One or the other there From the sublime to the ridiculous is only one step; and what in this case must have convulsed the country in the beginning, has now got where a step would cover with ridicule. Sir, suppose this committee goes out and comes back with a report, and suppose it is nothing more nor less than to convert this Senate into the old blacksmith shop at Gretna Green, and making them join parties together, whether God ever sanctioned it or not; suppose the com-mittee comes back with a report cut and dried for the purpose of joining to California four or five measures which the Senate and the House have been talking of for four or five make governments for these territories, and if you fail to do months past; suppose they bring back nothing but what is already prepared, and which is upon all our tables, in what in having made the effort to discharge your duty. position will this great committee be? We have read of the mountain that was in labor and that was delivered of a mouse. But it was at least a live mouse, for the fable says it run. But here it seems that gentlemen are to bring out some-thing that has been lying on our tables so long that it is dead —a combination of measures which have been so long born that they are lying help'ess in their cradles. Sir, there is no medium. The country, if not alarmed, must laugh. But I am against making what is equivalent to a proclamation declaring the country in danger. The sending out of such a committee as this is precisely equivalent to the Senate's making a proclamation in solemn form that the republic is in ger, and then almost giving the dictatorial power of seeing the republic sustained to a committee. I am against making this proclamation. I do not believe the republic is in danger to-day. I believe there has been some danger. But that danger haspassed by; and to be providing a remedy now, would be the providing of a remedy for what is past. I do not hold that the country is in danger now, and I do not think that we ought to undertake to alarm the country by the solemn form of setting thirteen physicians to consult over the critical and dying condition of the State, and to come in with a nostrum to save her. Why, sir, it will be a very ludicrous thing if this committee shall come in with our old no trum. If they should come in with a scheme to join all these bills together, it will put us in a ludicrous position, and one in which we ought not to be placed. If gentlemen wish to unite other measures with California, let them take up the California bill, and then offer those propositions, and the opinion of the Senate can be taken upon them, as the Senatytor from Kertucky intimated some days ago, when I comp'i-mented him upon proceeding in such a manly and parlia-mentary manner. That is the right way to do. Now, sir, this thing which is called an amendment, but which is nothing but a declaration, an independent resolve—such a nothing but a declaration, an independent resolve—such a one as would be perfectly proper to be adopted in a caucus, but which cannot be adopted in the Senate—this independent res lve, that we will give no instructions of any kind what-soever to guide the committee, why, sir, although the Senate may vote it, they cannot prevent us from undertaking to give instructions to guide the committee; and, although in point of feet no one of us may be able to suggest an instruction of fact no one of us may be able to suggest an instruction that could guide this great committee, yet, in the parliamentary sense we can—under the parliamentary law, we have a right to offer instructions to guide the committee. And who is it, Mr. President, that makes this motion that the committee is no such proposition?

Mr. BENTON. The Senator from Kentucky, it is due to the suite of the senator from the such proposition. of fact no one of us may be able to suggest an instruct shall not be guided? I hope no one of the thirteen who are to be on that committee undertakes to maintain this resolution; for, sir, although it may be true, true as gospel that they are superior to the rest of the Senate, and that we cannot guide is not the record. The mo ion is to refer two sets of resolutions.

govern the action of the Senate, shall be voted upon and adopted—as it may be, though, I think, if the thirteen gentlemen who are to compose the committee will abstain from voting, it will not be adopted; and really delicacy, I think, should forbid them to vote—after all that is done, I say it is nugatory, for we shall undertake to exercise our parliamentary right of offering instructions; and we think that some of us have been here just about long enough to know how to do it, and to get a vote woon every instruction. and to get a vote upon every instruction, in some form or other, that lies upon the table, and upon every instruction that nay hereafter be offered.
Mr. CLAY. I am very sorry, Mr. President, for this

unnecessary consumption of the time of the Senate, but there are two or three remarks which the honorable Senator from Missouri has made, which seem to me to require some notice. The honorable Senator has spoken of a caucus, and intimated that there has been one. On what authority does the Senator make such an assertion? I now pronounce it a mistake, an absolute and entire mistake. There has been no caucus, that I know of; although, God knows, I would attend a caucus of any and every body to settle this most unhappy question, which is now distracting the country, and I would attend it without any feeling of reproach, from whatever quarter it might be ventured to be hurled. The honorable Senator speaks of his rights. Yes, sir, and other Senators have their rights also, and other Senators are just as well prepared as the Senator from Missouri is to assert their rights. And the Senate has its rights. Now, sir, I put it to the Senate and the country, what has been the progress of this matter? The Senator from Missouri proposes an amendment embracing four propositions, and, as a sort of menace I suppose, he shells out eight or ten others, and speaks of his having others yet in reserve. Well, my dear sir—Mr. President, I mean—has not this body a right to protect itself; has not the majority of this Senate a right to say whether they will or will not create a committee without any instructions? The resolution will be adopted. The Senator offers his set of amendments—for the purpose I will not say, because I have ments—for the purpose I will not say, because I have ht to go into the intention of the Senstor—but the no right to go into the effect of them would be delay, procrastination, embarrassment; and that effect is attempted or will be attempted to be produced against these distinct and emphatic expressions of the opinion of the majority of this body. The question then comes to this, whether the Senate shall or shall not have the comes to this, whether the Senate shall or shall not have the power—I speak always of the majority of the Senate—to act? I say, sir, it ought to have it, and I care not by what name you call it. The previous question !—ah, sir, not many years will elapse before you will find the indispensable necessity of this valuable mode of terminating a useless and unnecessary debate in this house. In my reflections upon the past, in respect to my parliamentary career—my Congressional career—I look back to none with more satisfaction than the introduction of that previous question in the other wing of this building. But, sir, it seems that all at once there has been some extra-But, sir, it seems that all at once there has been some extra ordinary violation of the rights of the Senator, and what is it? That we create a committee without giving that commit-tee any instructions—a thing which happens every day, and sometimes two or three times a day, either to a special or standing committee-every day of the session either in this house or in the other. Now, sir, is it not known that if you refer a subject to a

committee, you must, to some extent, confide in that committee; leave it untrammelled, unshackled, to the exercise of its best judgment; for, at least, when it does any thing, it is reported back to you, subject to your decision, to your power, to your control. Sir, what was done with the committee proposed in the case of the very State which the Senator represents, appointed in the other House in the year 1822? Were any instructions given to that committee? Not one. Was any embarrassing mode of procrastination attempted on that occasion? And afterwards, in relation to the constitution of the committee, that happened which had never happened before, and which perhaps will not happen again for many years. When I proposed in the House of Representatives the constitution of a joint committee to consist of twenty-three on the part of the House, and a suitable number on the part of the Senate, to consider the question of California—of Missouri, I mean. Why, sir, it is not at all extraordinary that I speak of California; for if we listen to the honorable Sepresume there will be enough to offer those instructions, and less their parliamentary right to do so; and Senators will be States—California has absorbed every thing. [Laughter.] When I proposed a joint committee of twenty-three on the part of the House, and a suitable number on the part of the Senate, was there any motion in the other body to instruct, to manacle, to chain down that committee? No, sir, they were left free as air, to explore through the whole region of patriotic intellect for the purpose of devising a mode by which that unhappy question should be settled. Sir, what is proposed? The honorable Senator has several times talked and presented, in his witty and humorous manner, the figure of a horse borne down by a grievous weight cost upon its back. Why, sir, the Senator knows perfectly well that the whole amount of what is intended by any body is to connect and combine together the government of territories acquired in common, and to establish for these territories a suitable form overnment adapted to their respective situations. And, sir, what is the condition of the case? Let us look

but California. There is another portion of this body and of Congress that says, we are willing to give you California, but we want something more than California: we want to estabopinion that we should leave all New Mexico and all Utah New Mexico with a population of one hundred thousand, and a military-yes, I have heard Whigs, Whigs express the opinion that we should leave the military government which is in operation in New Mexico to continue; Whigs who de nounced the existence of the military government established might excite alarm throughout the country. What do we suppose if we see a physician hastening to a house? Why, that somebody is sick there; but we are not yet alarmed But if we see two doctors going there we suppose the case is and leave New Mexico and Utah to take care of themselves. Sir, it is contrary to every obligation of duty resulting from the treaty, resulting from the constitution, resulting from the position and character which we hold as American statesmen and legislators; and as soon as leave New Mexico and Utah without governments-of all others the portions of that country the most in want of governments—I would, as a father, as lief turn out my son at the age of fifteen into the streets of a corrupt city, and say to him, "Go, my boy, take care of yourself until you are twenty one, and then come back to me, and I will tell you what honorable vocation in life to select." Sir, it is our duty, our bounden, our solemn duty, to make at least an attempt to establish governments for Utah and New Mexico; and if we cannot do it after making the effort, we shall stand reproachless for not having done it. If we cannot nately existing amongst us, which will prevent its being done. The error of those Senators who talk of leaving Utah and New Mexico to their fate is exactly this: they begin where in having made the effort to discharge your duty.

I have said that one portion of Congress wan's California,

and nothing but California; another portion, whilst for bring-ing in California, says, let us settle this distracting question; let us establish territorial governments without the proviso, and connect them with California. And why should not we do it? I have heard the "dignity of California" alluded to, as if all the gold and dignity of the nation had sought refuge and sought an asylum on the shores of the Pacific. I have been utterly unable to comprehend this derogation from the dignity of California. Sir, I go for both measures; both dignity of California. Sir, I go for both measures; both ought to be carried; both, in my opinion, ought to be associated together; and I do not see the slightest evidence of disrespect to California or to any bady else in doing it.

Sir, I framed this resolution deliberately, and I framed it

for the purpose of getting rid of the unnecessary instructions which the Senator from Missouri has proposed, and to dispose which the Senator from Missouri has proposed, and to dispose of any other instructions which his ingenuity—and no man possesses a greater amount of it than he does—might suggest to be brought before this body. Let my amendment be adopted, and let the Senator offer his other instructions, from one to ninety-nine, if he pleases, and we will see whether the question of order will not eight and the content of the please of the part of the please question of order will not silence them all.

Mr. BENTON. Mr. President, the State of California is not here, and, unless somebody stands up for her, it seems likely that she will go to the wall; for she not only gets hard knocks, but she gets also what is called thumps. She is spoken of to day as absorbing the whole United States. So far ty-one. That is all I can see in her wants. But the Sena-tor from Kentucky not only presents California in this aspect, but he presented her some days ago in an attitude which I did not then remark upon, and which I should not do now, but for the manner in which he has brought her up to day. It was said by the Senator from Kentucky the other day that California had made a runaway match, and now turned up her nose at her unmarried sisters. Well, sir, if she did make a runsway match, she did not marry a runaway negro; and if her unmarried sisters should marry into that family, it may be that, when they come about her and into her company, she may not only turn up her nose, but snub their noses. California has made a constitution for herself, and in that con-

superior to the rest of the Senate, and that we cannot guide them at all, yet they should not tell us so. It is we who should disqualify ourselves, and no one of that thirteen, in my opinion, should vote. Delicacy, reserve, decorum, should make them stand off, and refuse to vote for a resolution which weuld stultify all the other members of the body. They should leave it to ourselves to stultify ourselves.

I have taken up more time than I intended on this preliminary point. I consider it wholly nugatory, that, after what